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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,678	01/26/2004	Theodore D. Wugofski	450.195US2	9447

7590

04/13/2006

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/764,678	<b>Applicant(s)</b> WUGOFSKI, THEODORE D.	
	<b>Examiner</b> KIEU-OANH T. BUI	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Matthews, III et al. (U.S. Patent No. 6,025,837).

Regarding claim 1, Matthews discloses an information handling system (Fig. 3) comprising a graphical user interface (GUI) (Fig. 5 for a GUI) in an operating environment, the GUI configured to provide at least one display (display in box 128) including information related to at least one channel, i.e., the display with information related to program "Seinfeld" of at least one channel NBC 6, wherein the display includes a prompt corresponding with at least one function related to the at least one channel, i.e., within the display either a prompt at More 140 or at "Last week; Comedy club" corresponding to the function of providing further information of the related channel (refer further on col. 9/line 55 to col. 10/line 13).

As for claims 2 and 3, Matthews teaches the system further includes a on-screen display that combines a graphic element with a broadcast streaming video (col. 6/lines 46-58 as video data streams are provided to the viewer from head end) and includes a current banner (Fig. 5, item 128 for current information) and a browse banner (Fig. 5, item 140 for banner providing a browse to other information, i.e., Hilter, A-bomb, Pearl harbor).

As for claim 4, Matthews discloses a tuner 98 operably coupled to the GUI, wherein the tuner is tunable to a plurality of channels including the at least one channel (Fig. 4 and col. 8/lines 21-35; and Fig. 5 for the display of channels 2, 4, 6 & 7).

As for claim 5, Matthews further discloses wherein the plurality of channels includes at least one event (Fig. 5 shows a program guide with more than one channel with each has a corresponding event, i.e., a broadcasting program at certain time).

As for claim 6, Matthews further teaches comprising a convergence system operably coupled thereto (Fig. 3 shows a convergence system because it combines different sources and provides the combined content to the viewer at the terminal monitor device, see col. 7/line 43 to col. 8/line 20).

As for claims 7-12, 13-16, and 17-20, these claims for a medium having executable instructions stored thereon for execution on a suitably equipped electronic system, a system and a corresponding method, respectively, with similar features as addressed earlier are rejected for the reason given in the scope of claims 1-6, not limited to the cited paragraphs but also to the entire disclosure and teaching of Matthews' reference.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abecassis, Schein et al, Klosterman et al., and White (PTO-892 attached) disclose systems related to GUI and technique of browsing.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal flourish extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
April 03, 2006